

PATENT
Customer No. 22,852
Attorney Docket No. 06843.00049-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
 William J. BOYLE et al.) Group Art Unit: 1644
)
 Application No.: 11/981,664) Examiner: Michael E. SZPERKA
)
 Filed: October 30, 2007)
)
 For: ANTIBODIES TO OPGL) Confirmation No. 9620

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

Applicants now respond to the Office Action (Action) mailed September 2, 2009.
A Petition for a Two Month Extension of Time and the requisite fee are filed herewith.

REMARKS

The Examiner issued a restriction requirement as follows:

Group I: claims 30 to 53, allegedly "drawn to nucleic acids, vectors, host cells, and methods of making polypeptides from said host cells, classified in class 536, subclass 23.1."

Group II: claims 54 to 78, allegedly "drawn to a methods of treating bone loss by administering antibodies, classified in class 424, subclass 133.1."

Group III: claim 79, allegedly "drawn to a methods of detecting OPGL in a sample via antibody binding, classified in class 435, subclass 7.1."

Group IV: claims 80 to 91, allegedly “drawn to antibodies and antibody compositions, classified in class 424, subclass 143.1.”

Action at page 2.

Applicants elect Group I, claims 30 to 53.

For Group 1, the Examiner also required applicants to elect a species of “a single specific antibody structure that binds OPGL, preferably by SEQ ID number.” Action at page 5. The Examiner states that the “election can be in the form of a specific pair of VH or VL sequences, or it may consist of the sequences of the 6 CDRs present in the recited antibody” *Id.*

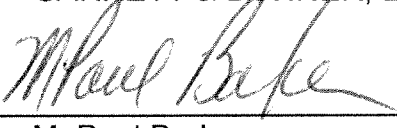
Applicants elect the species of antibody including CDR1, CDR2, and CDR3 of SEQ ID NO: 13 and CDR1, CDR2, and CDR3 of SEQ ID NO:14. Claims 30 to 53 encompass the elected species. As the Examiner states, “[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.” Action at page 7.

Please grant any extensions of time required to enter this Response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 2, 2009

By: 
M. Paul Barker
Reg. No. 32,013

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR TWO MONTH EXTENSION OF TIME


Applicants hereby petition for a two month extension of time to reply to the Office
Action mailed September 2, 2009. The extension fee of \$490.00 is filed herewith.

Please grant any further extensions of time required to enter this response and
charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 2, 2009

By: 
M. Paul Barker
Reg. No. 32,013
Customer Number: 22,852

Electronic Patent Application Fee Transmittal

Application Number:	11981664			
Filing Date:	30-Oct-2007			
Title of Invention:	Antibodies to OPGL			
First Named Inventor/Applicant Name:	William J. Boyle			
Filer:	Sarah Meira Barnett			
Attorney Docket Number:	06843.0049-01000			
Filed as Large Entity				
Utility under 35 USC 111(a) Filing Fees				
Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Basic Filing:				
Pages:				
Claims:				
Miscellaneous-Filing:				
Petition:				
Patent-Appeals-and-Interference:				
Post-Allowance-and-Post-Issuance:				
Extension-of-Time:				
Extension - 2 months with \$0 paid	1252	1	490	490

Description	Fee Code	Quantity	Amount	Sub-Total in USD(\$)
Miscellaneous:				
Total in USD (\$)				490

Electronic Acknowledgement Receipt

EFS ID:	6562003
Application Number:	11981664
International Application Number:	
Confirmation Number:	9620
Title of Invention:	Antibodies to OPGL
First Named Inventor/Applicant Name:	William J. Boyle
Customer Number:	22852
Filer:	Sarah Meira Barnett
Filer Authorized By:	
Attorney Docket Number:	06843.0049-01000
Receipt Date:	02-DEC-2009
Filing Date:	30-OCT-2007
Time Stamp:	22:07:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$490
RAM confirmation Number	8330
Deposit Account	060916
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
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1	Response to Election / Restriction Filed	Response.pdf	97163 bd40cbe7f2435359b837fe21624e8700ae0 eeaea	no	2
Warnings:					
Information:					
2	Extension of Time	EOT.pdf	43901 4c6a66bcf690c2621b4a0bbe60bdfa1fb60e 1c0d	no	1
Warnings:					
Information:					
3	Fee Worksheet (PTO-875)	fee-info.pdf	30320 169d44c5078698a21c9c68467e824e8e451 6c241	no	2
Warnings:					
Information:					
Total Files Size (in bytes):			171384		
<p>This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.</p> <p><u>New Applications Under 35 U.S.C. 111</u> If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.</p> <p><u>National Stage of an International Application under 35 U.S.C. 371</u> If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.</p> <p><u>New International Application Filed with the USPTO as a Receiving Office</u> If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.</p>					